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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,813	09/15/2003	Sankar Dasgupta	P63902	7391
22839 7590 07/19/2007 RICHES, MCKENZIE & HERBERT, LLP SUITE 1800 2 BLOOR STREET EAST TORONTO, ON M4W 3J5 CANADA			EXAMINER BERHANE, ADOLF D	
			ART UNIT 2838	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,813

Applicant(s)

DASGUPTA ET AL.

Examiner

Adolf Berhane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/12/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (6,331,365).

King discloses the claimed invention except for the optimum range. King discloses a traction motor drive system in Figs. 2-7. A motor drive system with a first rechargeable battery (24) and a second rechargeable battery (48), boost converter (34) to boost the voltage available from the rechargeable battery (24), the first rechargeable battery has a higher impedance than the second rechargeable battery (col. 1, line 40), the electrical energy stored in the energy battery drive the motor, the second rechargeable battery is recharged by the first rechargeable battery (col. 5, line 21) via a controller having a switch (40), the first rechargeable battery can be a lithium-ion battery (col. 6, line 64) and the secondary rechargeable can be a lead acid battery (col. 1, line 36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the optimum range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

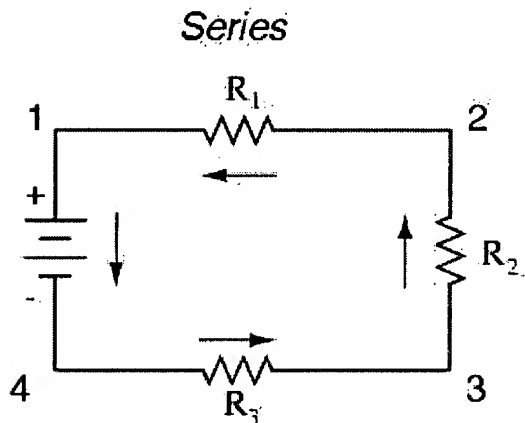
Response to Arguments

3. Applicant's arguments filed 6/12/07 have been fully considered but they are not persuasive. In response to Applicant argues that the two battery are not connected in parallel, Applicants attention is directed to Fig. 4 which shows the first rechargeable battery (24) connected in parallel to the second rechargeable battery (48). The Boost converter does not open or close the parallel connection between the two batteries. Examiner has read the definition provided by Applicant, to further assist examiner has provided a little explanation of the difference between series and parallel connection.

What are "series" and "parallel"?

Circuits consisting of just one battery and one load resistance are very simple to analyze, but they are not often found in practical applications. Usually, we find circuits where more than two components are connected together.

There are two basic ways in which to connect more than two circuit components: *series* and *parallel*. First, an example of a series circuit:



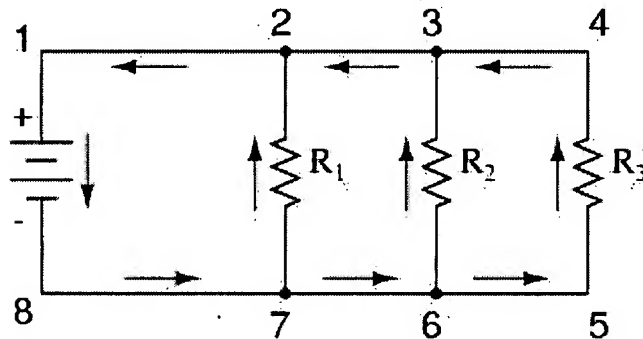
Here, we have three resistors (labeled R_1 , R_2 , and R_3), connected in a long chain from one terminal of the battery to the other. (It should be noted that the subscript labeling -- those little numbers to the lower-right of the letter "R" -- are unrelated to the resistor values in ohms. They serve only to identify one resistor from another.) The defining

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characteristic of a series circuit is that there is only one path for electrons to flow. In this circuit the electrons flow in a counter-clockwise direction, from point 4 to point 3 to point 2 to point 1 and back around to 4.

Now, let's look at the other type of circuit, a parallel configuration:

Parallel

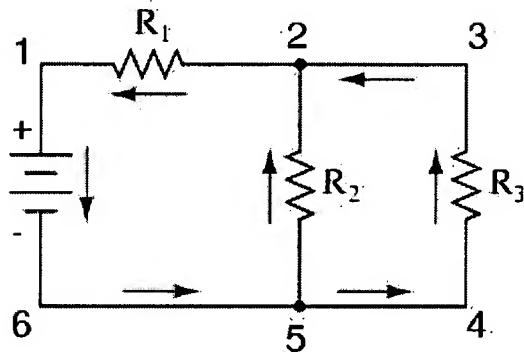


Again, we have three resistors, but this time they form more than one continuous path for electrons to flow. There's one path from 8 to 7 to 2 to 1 and back to 8 again. There's another from 8 to 7 to 6 to 3 to 2 to 1 and back to 8 again. And then there's a third path from 8 to 7 to 6 to 5 to 4 to 3 to 2 to 1 and back to 8 again. Each individual path (through R_1 , R_2 , and R_3) is called a *branch*.

The defining characteristic of a parallel circuit is that all components are connected between the same set of electrically common points. Looking at the schematic diagram, we see that points 1, 2, 3, and 4 are all electrically common. So are points 8, 7, 6, and 5. Note that all resistors as well as the battery are connected between these two sets of points.

And, of course, the complexity doesn't stop at simple series and parallel either! We can have circuits that are a combination of series and parallel, too:

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Series-parallel

In this circuit, we have two loops for electrons to flow through: one from 6 to 5 to 2 to 1 and back to 6 again, and another from 6 to 5 to 4 to 3 to 2 to 1 and back to 6 again. Notice how both current paths go through R_1 (from point 2 to point 1). In this configuration, we'd say that R_2 and R_3 are in parallel with each other, while R_1 is in series with the parallel combination of R_2 and R_3 .

This is just a preview of things to come. Don't worry! We'll explore all these circuit configurations in detail, one at a time!

The basic idea of a "series" connection is that components are connected end-to-end in a line to form a single path for electrons to flow:

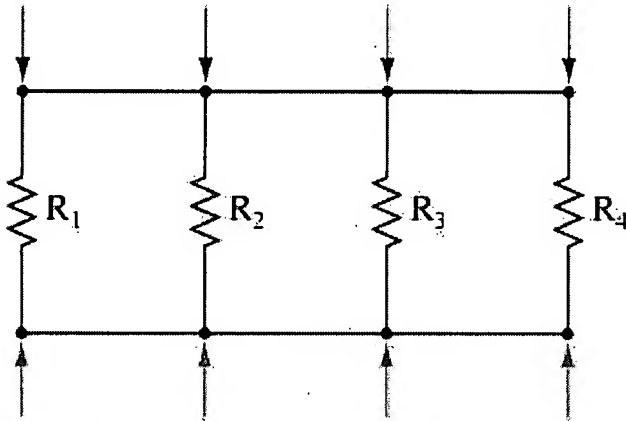
Series connection

only one path for electrons to flow!

The basic idea of a "parallel" connection, on the other hand, is that all components are connected across each other's leads. In a purely parallel circuit, there are never more than two sets of electrically common points, no matter how many components are connected. There are many paths for electrons to flow, but only one voltage across all components:

Parallel connection

These points are electrically common



These points are electrically common

Applicant also argues about the new limitation of --substantially parallel--, there is more flexibility in "substantially parallel" that in "parallel" alone.

With respect to Applicant's argument that the battery circuitry is further structured so that electrical energy from the regenerative braking system is received by the first battery circuitry to recharge the first battery and/or second battery. Applicant attention is directed to Col. 2, lines 57-65 which states that the battery 12 receives regenerative power from and electric traction motor.

Applicant argues with respect to the impedance of batteries.

Applicant's attention is directed to King's reference Col. 3, line 30-45 which states the rechargeable battery (24) has an higher energy density, which means it has a higher impedance and col. 5, lines 25-42 also mention the energy density of the second rechargeable battery. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the optimum range, since it has

been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolf Berhane whose telephone number is 571-272-2077. The examiner can normally be reached on Monday- Friday 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Adolf Berhane
Primary Examiner
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